

DETAILED ACTION

Status of the Application

Claims 1-4, 8, 28, 30, 38, 44, 45, 50, 51, 53, 55, 58 are pending. Claim 53 is withdrawn.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The decision by the BPAI has reversed the 35 U.S.C. 112, first paragraph of claims 1-4, 8, 28, 30, 38, 44-45, 50-51, 55, 58. The reasons are set forth in the BPAI decision filed on 5/10/11.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Ex parte Quayle

This application is in condition for allowance except for the following formal matters:

- 1) Applicant must cancel withdrawn claim 53, drawn to a composition.
- 2) Applicant must amend claims 1-4, 8, 28, 30, 38, 44-45, 50-51, 55, 58 to reflect the elected subject matter in the Restriction Requirements filed on 2/8/01, 11/4/03, 8/24/05, and 5/10/07.

3) Applicant must file a Terminal Disclaimer to address the outstanding obviousness double patenting rejections over Application No. 10/361,858 (now US Patent 7,838,541); Application No. 10/788,426; Application No. 10/848,567; Application No. 11/932,548; and Application No. 12/181,032.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong S. Chong whose telephone number is (571)-272-8513. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SREENI PADMANABHAN can be reached on (571)-272-0629. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Art Unit: 1627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Yong S. Chong/
Primary Examiner, Art Unit 1627

YSC